

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH JOHNS,

Defendant.

Case No. 02-cv-40004-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the *pro se* motion of defendant Kenneth Johns for a reduction in sentence pursuant to 18 U.S.C. § 3582(c)(2) (Doc. 273). Johns filed this motion *pro se*, although he is represented by attorney Judith Kuenneke in connection with a potential sentence reduction under § 3582(c)(2). A defendant does not have a right to file his own motions when he is represented by counsel. *See Hayes v. Hawes*, 921 F.2d 100, 102 (7th Cir. 1990) (*per curiam*). “The right to representation by counsel and self-representation are mutually exclusive.” *Cain v. Peters*, 972 F.2d 748, 750 (7th Cir.1992). So-called “hybrid representation” confuses and extends proceedings and, therefore, it is forbidden. *See United States v. Orege*, 263 F.3d 669, 672-73 (7th Cir.2001). Therefore, the Court **ORDERS** the defendant’s *pro se* motion (Doc. 273) be **STRICKEN**.

IT IS SO ORDERED.

DATED: April 2, 2008

s/ J. Phil Gilbert

**J. PHIL GILBERT
DISTRICT JUDGE**